

Notice of Allowability

Application No.

09/820,852

Examiner

Ellen C. Tran

Applicant(s)

KISHI ET AL.

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2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 16 October 2007 and 8 November 2007.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☒ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/820,852.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 8 November 2007.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Ellen C. Tran
ELLEN TRAN
PATENT EXAMINER
ART 2134

DETAILED ACTION

1. In response to amendment filed on 16 October 2007 and Examiner Initiated Interview on 8 November 2007. Claims 1-20 have been amended. Amendments to the claims are accepted.
2. An examiner's amendment to the record is attached. Please enter entire claim set. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. The examiner's amendment was authorized by attorney of record Brian Epstein in phone interview on 8 November 2007 and confirming email sent on 12 November 2007.

Response to Arguments

- 3 Applicant's arguments filed 16 October 2007 have been fully considered and they are persuasive.

Allowable Subject Matter

4. Claims 1-20 are allowed.

Conclusion

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 7:30 am to 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ellen. Tran
Patent Examiner
Technology Center 2134
12 November 2007

Examiner's Amendment

This listing of the claims will replace all prior versions and listings of the claims in the application:

Listing of Claims:

1. (Currently Amended): An ~~information vending~~ apparatus comprising:

accumulation means for accumulating information for sale;

usage condition generating means for generating usage conditions in response to a purchase selection of the information for sale;

encryption means for encrypting said purchase selection;

encryption key generating means for generating a cryptographic key which decrypts said purchase selection;

~~authentication means for authenticating a portable recording medium directly or indirectly loaded on said information vending apparatus to determine if the portable recording medium is capable of supporting a license management capability for reproducing the purchase selection in accordance with the usage conditions prior to writing a purchase selection thereto;~~
~~and,~~

writing means for writing said purchase selection along with said usage conditions for said license management capability and said cryptographic key to ~~said~~ a portable recording medium upon authentication; and

determining means for determining, based on a cross-authentication signal supplied from the writing means, whether or not said portable recording medium is capable of supporting a license management capability for reproducing said purchase selection in accordance with the

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usage conditions prior to writing a purchase selection thereto, said portable recording medium directly or indirectly loaded on said apparatus, wherein

the cross-authentication signal is a challenge response to a previously recorded key ID on the portable recorded medium, and~~wherein~~ said portable recording medium is a memory device configured to be loaded to a player device for reproduction of the information for sale.

2. (Currently Amended): The ~~information-vending~~ apparatus according to claim 1, further comprising:

communication means for communicating with a reproduction unit for reproducing said purchase selection recorded on said portable recording medium[[;]],

wherein said ~~authentication~~determining means further authenticates said reproduction unit when said communication means makes communication with said reproduction unit[[;]], and

said writing means writes said purchase selection to said portable recording medium through said reproduction unit along with said usage conditions and said cryptographic key.

3. (Currently Amended): The ~~information-vending~~ apparatus according to claim 2, wherein said reproduction unit is a portable device and said portable medium ~~being~~is detachably loaded on said portable device.

4. (Currently Amended): The ~~information-vending~~ apparatus according to claim 2, wherein said communication means communicates with said reproduction unit which reproduces said

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purchase selection recorded on said portable recording medium integrally disposed on said reproduction unit~~[[;]]~~, and

said writing means writes said purchase selection recorded on said portable recording medium integrally disposed on said reproduction unit along with said usage conditions and said cryptographic key.

5. (Currently Amended): The ~~information-vending~~ apparatus according to claim 4, wherein said reproduction unit is a portable device and integrally arranged on said portable device.

6. (Currently Amended): The ~~information-vending~~ apparatus according to claim 1, further comprising:

a receiving means for receiving said information for sale supplied through a predetermined transmission path~~[[;]]~~,

wherein said accumulation means accumulates said information received by said receiving means.

7. (Currently Amended): The ~~information-vending~~ apparatus according to claim 6, wherein said transmission path is the Internet, said information is supplied via the Internet to a server unit, and said information is received from said server unit to be stored in said accumulation means.

8. (Currently Amended): The ~~information-vending~~ apparatus according to claim 1, wherein said usage condition generating means generates said usage conditions which are employed by said

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reproduction unit which reproduces said purchase selection recorded on said portable recording medium, and said encryption means encrypts said information for sale by use of an algorithm which allows said reproduction unit to decrypt said information for sale.

9. (Currently Amended): The ~~information-vending~~ apparatus according to claim 1, wherein said information for sale includes at least one of program, voice, music, still picture, moving picture, and text data.

10. (Currently Amended): ~~An information-vending~~A method comprising the steps of:

accumulating information for sale;

generating usage conditions for said information for sale in response to a purchase selection of information for sale;

encrypting said purchase selection;

generating a cryptographic key which decrypts said information for sale which is encrypted;

~~authenticating a portable recording medium loaded on said information-vending apparatus in one of direct and indirect manners to determine if the portable recording medium is capable of supporting a license management capability for reproducing the purchase selection in accordance with the usage conditions prior to writing a purchase selection thereto; and~~

writing said purchase selection to said a portable recording medium upon authentication along with said usage conditions for said license management capability and said cryptographic key~~[[;]], and~~

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determining, based on a cross-authentication signal supplied from the writing, whether or not said portable recording medium is capable of supporting a license management capability for reproducing said purchase selection in accordance with the usage conditions prior to writing a purchase selection thereto, said portable recording medium directly or indirectly loaded on an apparatus, wherein

the cross-authentication signal is a challenge response to a previously recorded key ID on the portable recorded medium, and wherein said portable recording medium is a memory device configured to be loaded to a player device for reproduction of the information for sale.

11. (Currently Amended): The ~~information-vending~~ method according to claim 10, further comprising:

communicating with a reproduction unit for reproducing said purchase selection recorded on said portable recording medium[[;]],

wherein in said authentication-~~step~~, said reproduction unit is further authenticated when in said communication ~~step~~ said reproduction unit is communicated[[;]], and

in said writing-~~step~~, said encrypted information for sale along with said usage conditions and said cryptographic key are written to said portable recording medium through said reproduction unit.

12. (Currently Amended): The ~~information-vending~~ method according to claim 11, wherein said reproduction unit is a portable device and said portable medium ~~being~~is detachably loaded on said portable device.

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13. (Currently Amended): The ~~information-vending~~ method according to claim 11, wherein in said communication-~~step~~, said reproduction unit which reproduces said purchase selection recorded on said portable recording medium integrally disposed on said reproduction unit is communicated[[;]], and

in said writing-~~step~~, said purchase selection along with said usage conditions and said cryptographic key are written to said portable recording medium integrally disposed on said reproduction unit.

14. (Currently Amended): The ~~information-vending~~ method according to claim 13, wherein said reproduction unit is a portable device and said storage medium is fixedly and integrally arranged on said portable device.

15. (Currently Amended): The ~~information-vending~~ method according to claim 10, further comprising:

receiving said information for sale supplied through a predetermined transmission path[[;]],

wherein in said accumulation-~~step~~, said information received by said receiving means is accumulated.

16. (Currently Amended): The ~~information-vending~~ method according to claim 15,

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wherein said transmission path is the Internet, said information is supplied via the Internet to a server unit, and said information is received from said server unit to be stored in said accumulation-step.

17. (Currently Amended): The ~~information-vending~~ method according to claim 10, wherein in said usage condition generating-step, said usage conditions which are employed by said reproduction unit which reproduces said purchase selection recorded on said portable recording medium are generated; and

in said encryption-step, said purchase selection is accessed by use of an algorithm which allows said reproduction unit to decrypt said purchase selection.

18. (Currently Amended): The ~~information-vending~~ method according to claim 10, wherein said information for sale includes at least one of program, voice, music, still picture, moving picture, and text data.

19. (Currently Amended): A program storage medium for storing a computer-readable program, said program causing a computer to implement a method comprising:

accumulating information for sale;

generating usage conditions for said information for sale in response to a purchase selection of the information for sale;

encrypting said purchase selection;

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generating a cryptographic key which decrypts said purchase selection which is encrypted;

~~authenticating a portable recording medium loaded on said information vending apparatus in one of direct and indirect manners to determine if the portable recording medium is capable of supporting a license management capability for reproducing the purchase selection in accordance with the usage conditions prior to writing a purchase selection thereto; and~~

writing said purchase information to ~~said~~ a portable recording medium upon authentication along with said usage conditions for said license management capability and said cryptographic key; and

determining, based on a cross-authentication signal supplied from the writing, whether or not said portable recording medium is capable of supporting a license management capability for reproducing said purchase selection in accordance with the usage conditions prior to writing a purchase selection thereto, said portable recording medium directly or indirectly loaded on an apparatus, wherein

the cross-authentication signal is a challenge response to a previously recorded key ID on the portable recorded medium, and wherein said portable recording medium is a memory device configured to be loaded to a player device for reproduction of the information for sale.

20. (Currently Amended): An ~~information vending~~ apparatus comprising:

an accumulation unit configured to accumulate information for sale;

a usage condition generating unit configured to provide usage conditions for said information for sale in response to a purchase selection of information for sale;

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an encryption unit configured to encrypt said purchase selection;

an encryption key generating unit configured to generate a cryptographic key which decrypts said purchase selection;

~~an authentication unit configured to authenticate a portable recording medium directly or indirectly loaded on said information vending apparatus to determine if the portable recording medium is capable of supporting a license management capability for reproducing the purchase selection in accordance with the usage conditions prior to writing a purchase selection thereto;~~
and

a writing unit configured to write said purchase selection to said a portable recording medium along with said usage conditions for said license management capability and said cryptographic key upon authentication; and

a determining unit configured to determine, based on a cross-authentication signal supplied from the writing unit, whether or not said portable recording medium is capable of supporting a license management capability for reproducing said purchase selection in accordance with the usage conditions prior to writing a purchase selection thereto, said portable recording medium directly or indirectly loaded on said apparatus, wherein

the cross-authentication signal is a challenge response to a previously recorded key ID on the portable recorded medium, and wherein said portable recording medium is a memory device configured to be loaded to a player device for reproduction of the information for sale.

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12 NOV '07